

**Federal Communications Commission
Washington, D.C. 20554**

March 14, 2001

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Los Angeles, California 90063-3297

Re: Experimental Radio Application
File No. 0217-EX-PL-1999

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Dear Applicant, Objectors, and Counsel:

We are considering the application of the County of Los Angeles ("County") for an Experimental Radio license (File No. 0217-EX-PL-1999). Informal Objections to the application were filed by the American Radio Relay League ("ARRL") on September 23, 1999, the Radio Amateur Satellite Corporation

("AMSAT") on October 22, 1999, Mr. Art McBride on October 20, 1999, and Mr. Thomas R. O'Hara on October 22, 1999. The County of Los Angeles filed Motions for Extension of time on October 1 and 22, 1999, which we hereby grant, and an Opposition to Informal Objection on March 9, 2000. The ARRL filed a Reply to Opposition on April 19, 2000, and the Amateur Television Network ("ATN") filed Comments to Opposition on June 8, 2000.

In the application, County states that the purpose of its experiment is to demonstrate that public safety agencies in the Greater Los Angeles area can use commercially available equipment in the 2402-2448 MHz band to transmit microwave video images from airborne platforms to benefit ground tactical operations. County's Station WPKK851, licensed under Part 90 of the Commission's Rules, currently operates microwave video downlinks in the 2450-2483.5 MHz band.¹ But, County states, it has been difficult to coordinate its licensed operations with the television broadcast auxiliary operations with which it shares that band. County also claims that its licensed operations receive interference from those broadcast auxiliary operations. To improve service, County states that it wishes to implement a new countywide airborne downlink video system within the next few months. County would use the 2402-2448 MHz band to demonstrate that at least four video channels of 10 MHz each can be obtained from this spectrum. Also, it states that public safety agencies would work closely with equipment manufacturers to maximize the use of the spectrum by using state-of-the-art equipment to minimize bandwidth and signal deviation. County concludes that the experimental license will "alleviate the critical need for additional spectrum for microwave video communications in the greater Los Angeles area, thus allowing a better coexistence between public safety agencies and broadcasters in the Los Angeles area."²

The ARRL and ATN argue that the County's application should be denied, because the proposed operations do not constitute an experimental use of the spectrum. Instead, the proposed use, they assert, is in reality, an extension of the County's licensed Part 90 operations in the 2450-2483.5 MHz band to four new 10-megahertz wide channels in the 2402-2448 MHz band. No new technology is proposed, only the use of off-the-shelf, conventional analog technology and equipment.³

We hereby deny County's application. Experimental licenses are not substitutes for regular radiocommunication service licenses. It appears from its application that County intends to use the frequencies it requests in the same continuous and ongoing manner as its regularly licensed Part 90 service. Existing licensees in a radiocommunication service who seek additional frequencies for their existing operations may seek additional authorizations under their existing service rules (*e.g.*, Part 90) or may seek the initiation of a rulemaking proceeding for the allocation of additional spectrum to their service. Experimental authorizations, by contrast, are intended mainly to permit experimentation with new radio technologies or in connection with a research project. In addition, radiocommunication

¹ Station WPKK851 is authorized to use channels centered at the frequencies 2458.5 MHz, 2460.9375 MHz, and 2475.5 MHz.

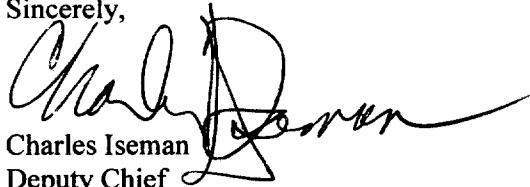
² County adds that its proposed experimental video downlink system is to include five permanent, fixed, ground-based, remote receive sites and various portable and mobile receive sites. County states that it will eventually have a total of three Sheriff's Department helicopters and one Fire Department airborne unit equipped with microwave video equipment. Other public safety agencies in Southern California, including the City of Los Angeles, Long Beach, Glendale, and Burbank, will also be deploying similar airborne units.

³ Also, all of the objectors allege that the County did not adequately demonstrate that the proposed operations would not cause harmful interference to amateur radio operations and that such harmful interference was, in fact, likely to occur. In light of our action herein, we do not need to address these issues.

service licensees who seek to develop operational data or techniques to improve or to extend that service are expected to file a developmental application under the rules of the established service.⁴ However, experimental licenses of a developmental nature may be granted in support of a spectrum allocation rulemaking proceeding. Generally, the experiment or research project is expected to have specific objectives and a planned termination date. Normally, only a single frequency is assigned to an experimental radio licensee unless a specific showing is made demonstrating the need for the assignment of additional frequencies is essential to the experimental program.⁵ A close reading of County's application, however, does not reveal an intent to conduct an experiment or research project. Instead, the application indicates that County intends to use experimental authority to provide the type of microwave video downlink operations it routinely provides under its Part 90 license and which television broadcast auxiliary stations routinely provide. The application also seeks four frequencies without an adequate showing of need. Accordingly, we deny County's application.⁶

We observe that this proceeding currently has "restricted" status under the Commission's *ex parte* rules. See Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. In granting reconsideration today of our previous grant of an Experimental Radio license to the *City of Los Angeles* for Station WB2XEN (File No. 0247-EX-PL-1999), we modified the *ex parte* status of that proceeding to "permit-but-disclose" in order to allow freer communication between the parties and Commission staff. The technical issues in that case and the instant one are similar. We find that it would serve the public interest to afford the instant proceeding the same "permit-but-disclose" status. Thus, we are exercising our discretion pursuant to Section 1.1200(a) of the Commission's Rules, 47 C.F.R. § 1.1200(a), to modify the *ex parte* status of this proceeding to "permit-but-disclose." Therefore, until further notice, the disclosure requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b), shall apply to all *ex parte* presentations between the parties and Commission staff in this proceeding. A photocopy of Section 1.1206 is enclosed for your information.

Sincerely,



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Enclosure

cc: Tun Aung

⁴ See Section 5.51(b) of the Commission's Rules, 47 C.F.R. § 5.51(b).

⁵ See Section 5.85(b) of the Commission's Rules, 47 C.F.R. § 5.85(b).

⁶ We note that the technical operations of Experimental Radio Station WB2XEN, licensed to the City of Los Angeles, are similar to that proposed by the County. Because the operations of WB2XEN appear intended to initiate a regular continuous service instead of to conduct an experiment or research project, we are today canceling that license, effective December 1, 2001. See Letter from Charles Iseman to Tun Aung, Manager *re* Station WB2XEN, dated March 7, 2001. At that time, the City will be required to submit a report of the results of its operations.